REMARKS

Applicant concurrently files herewith an Excess Claim Fee Payment Letter, and corresponding excess claim fee, for one (1) excess claim.

Claims 1-22 are all of the claims presently pending in the application. The claims have not been amended to more particularly define the claimed invention. Claim 22 has been added to claim additional features of the invention.

Claim 8 stands rejected under 35 U.S.C. § 102(e) as being anticipated by applicant admitted prior art (hereinafter "AAPA"). Claims 1-7 and 9-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Nakamura (U.S. Patent No. 6,243,563) and JP 09-046110 (hereinafter "JP '110").

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a portable telephone set including a detector for detecting a better receiving sensitivity one of radio signals received by an exclusive receiving antenna for only receiving radio signals and a transmitting and receiving antenna for transmitting and receiving radio signals, a switch provided in a first housing for selecting the radio signal determined in the detector to be the better receiving sensitivity one, and a radio circuit provided in a second housing for demodulating the radio signal from the switch (e.g., see Application at page 5, lines 16-25).

The claimed invention (e.g., as defined by exemplary claim 8) is directed to a portable telephone set including a radio circuit for demodulating a radio signal received by an antenna and transmitted via a cable, and a battery for supplying power to the radio circuit, wherein the battery and the radio circuit are interconnected by the cable, and wherein power from the battery is supplied via the cable to the radio circuit (e.g., see Application at page 8, lines 7-14).

The claimed invention, of exemplary claims 1 and 8, provides a portable telephone capable of efficient inter-housing transmission of radio signals (see Application at page 5, lines 12-15). Furthermore, the claimed invention provides a portable telephone set with reduced size and weight (see Application at page 5, lines 9-11).

II. THE REJECTIONS BASED ON PRIOR ART REFERENCES

A. Claim 8

The Examiner alleges that the AAPA teaches the claimed invention of claim 8. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by the AAPA.

That is, the AAPA does not teach or suggest "*wherein power from the battery is supplied via the cable to the radio circuit*", as recited by exemplary claim 8.

The Examiner attempts to rely on Figure 6 of the Application to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this figure (nor anywhere else for that matter) does the AAPA teach or suggest that power from the battery is supplied via the cable to the radio circuit. Indeed, the power from the battery is supplied by the circuit board 15 in the AAPA.

Applicant submits that, as is clearly depicted in Figure 6 of the Application, that the battery is not connected to either of the coaxial cables 9a, 9b. Furthermore, as is clearly stated in the Application, "the charge output from the plus terminal of the battery 12 is supplied via the flexible circuit board connector 16b, the flexible circuit board 15 which mainly transmits control signals and the flexible circuit board connector 16a to the side of the upper housing 13" (see Application at page 4, lines 10-18). Therefore, the AAPA clearly does not teach or suggest that power from the battery is supplied via the cable to the radio circuit.

Furthermore, Applicant requests the Examiner to make of record the precise components labels he is relying on.

Therefore, Applicant respectfully submits that there are elements of the claimed invention that are neither taught nor suggested by the AAPA. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B. Claims 1-7 and 9-21

The Examiner alleges that the AAPA would have been combined with Nakamura and JP '110 to form the claimed invention of claims 1-7 and 9-21. Applicant submits, however, that, even if combined, the alleged combination of references would not teach or suggest each and every element of the claimed invention.

That is, neither the AAPA nor JP '110, nor Nakamura, nor any combination thereof, teaches or suggests "*a radio circuit provided in a second housing for demodulating the radio*

signal from the switch" as recited in claim 1, and similarly recited in claims 2-5.

The Examiner alleges that the AAPA teaches a radio circuit. Even assuming, *arguendo*, the AAPA may teach or suggest a radio circuit, the AAPA does not teach or suggest a radio circuit provided in a second housing for **demodulating the radio signal from the switch**. The Examiner concedes that the AAPA does not teach this feature because the Examiner concedes that the AAPA does not teach a switch for providing a signal to the radio circuit.

The Examiner alleges that Nakamura teaches a switch for selecting a better signal between a common antenna and a reception dedicated antenna. However, Nakamura does not teach or suggest a radio circuit provided in a second housing for **demodulating the radio signal from the switch**.

Indeed, Nakamura provides a switch controller 11 for selecting a RSSI signal with a higher level from two RSSI signals (see Nakamura at column 6, lines 11-20). However, Nakamura teaches that the RSSI signals are demodulated by the demodulator 6 prior to being transmitted to the switch controller 11 (see Nakamura at Figure 2). Accordingly, the demodulator receives and demodulates both signals, which are then transmitted to the switch controller.

In stark contrast, the claimed invention includes a switch provided in a first housing for selecting the radio signal determined in the detector to be the better receiving sensitivity one and a radio circuit provided in a second housing for **demodulating the radio signal from the switch**. In the claimed invention, the radio circuit demodulates the radio signal received from the switch. This is not taught or suggested by Nakamura.

Furthermore, JP '110 does not teach or suggest a radio circuit provided in a second housing for **demodulating the radio signal from the switch**. Indeed, the Examiner does not even allege that JP '110 teaches or suggests this feature. The Examiner merely relies upon JP '110 as teaching a signal cable that is capable of carrying the load of transmitting, receiving signals, control signals and power voltage.

Moreover, neither the AAPA nor JP '110, nor Nakamura, nor any combination thereof, teaches or suggests "*a control circuit connected via an inductance with the coaxial cable, for outputting the switching signal on the basis of the received signal level by the external antenna and an inductance connected between the coaxial cable and a circuit required to be supplied with the DC power supply*", as recited in claim 9, and somewhat similarly recited in

claims 10-12.

The Examiner alleges that this feature of the claimed invention is taught by the AAPA. The Examiner, however, is clearly incorrect.

That is, the control circuit 1 of the AAPA is not connected to the coaxial cable. Indeed, the control circuit is connected to the battery 12 by the circuit board 15 (e.g., see Application at Figure 6).

Furthermore, Applicant submits that neither JP '110 nor Nakamura makes up this deficiency of the AAPA. Indeed, the Examiner does not even allege that JP '110 or Nakamura teaches or suggests this feature of the claimed invention.

Moreover, Applicant submits that the AAPA teaches the antenna switch in the main body. JP '110 does not teach or suggest moving the antenna switch to the location of the antennas. In the claimed invention the antenna switch and the antennas are located in the same housing so that the number of coaxial cables can be limited to one cable. This is the modification that the Examiner has the burden to show. The present rejection merely implies that this modification can be made, but does not establish that one of ordinary skill the art would have been motivated to make this modification. Indeed, this feature of the claimed invention is not taught or suggested in any of the cited prior art references (taken alone or in combination).

Thus, Applicant submits that JP '110 and Nakamura fail to make up the deficiencies the AAPA.

Therefore, Applicant respectfully submits that these references, even if combined, would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. NEW CLAIM

New claim 22 has been added to provide more varied protection for the claimed invention and to claim additional features of the invention. This claim is independently patentable because of the novel and non-obvious features recited therein.

Applicant submits that new claim 22 is patentable over the prior art of record at least for reasons analogous to those set forth above with respect to claims 1-21.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-22, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: January 9, 2007

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